State of Louisiana

Department of Environmental Quality

M. J. "MIKE" FOSTER, JR.
GOVERNOR

JAN 2 2 2003

L. HALL BOHLINGER
SECRETARY

HAND-DELIVERED

CERTIFIED MAIL_____
RETURN RECEIPT REQUESTED

File No.: LA0049492
AI No.: 4634

Ms. Cynthia Gardner-Leblanc, Senior Environmental Coordinator
LOOP LLC
One Seine Court
Post Office Box 6638
New Orleans, Louisiana 70174

RE: Louisiana Pollutant Discharge Elimination System (LPDES)/National Pollutant Discharge Elimination System (NPDES) permit to discharge marine cargo hose testing water, washdown water, brine discharge, non-contact cooling water, treated sanitary wastewater, and stormwater runoff to the Gulf of Mexico (Outfalls 001, 002, 004 and 015), Bayou Lafourche (Outfalls 005 and 006), Breton Canal (Outfalls 007, 008, 012, 020 and 022), Bayou Moreau (Outfalls 018 and 023) and LL&E Canal (Outfall 021) from an existing deepwater port (pipelines and storage facilities) for the transportation of crude oil located in Lafourche Parish.

Dear Ms. Gardner-Leblanc:

The Louisiana Department of Environmental Quality (DEQ) and the United States Environmental Protection Agency, Region VI (EPA) have reviewed the comments from your facility dated November 15, 2002, in response to the public notice published in the Office of Environmental Services Public Notice Mailing List on October 9, 2002, and THE DAILY COMET of Thibodeaux on October 11, 2002. No comments were received from the general public on the draft LPDES/NPDES permit. The DEQ and EPA's response to comments submitted by your facility are summarized below.

Comment 1:

Comment: The permittee requested that the parameters for Fecal Coliform and Total Residual Chlorine (TRC) be removed from the draft LPDES/NPDES permit for Outfall 002 based on the geographical location of the discharge, the depth of the discharge, and the fact that the system is currently not chlorinated. The permittee stated that this request is based on the fact that under the General Permit for the Outer Continental Shelf (OCS), TRC is a surrogate parameter for Fecal Coliform.

Response: The DEQ and EPA agree with this request. The discharge from Outfall 002 is consistent with the requirements of the OCS General Permit; therefore, the DEQ and EPA have no objections to removing the monitoring requirements for Fecal Coliform and TRC. The final LPDES/NPDES permit will reflect this change.

Comment 2:

Comment: The permittee requested that it be required to perform toxicity monitoring for the non-contact cooling water discharge from Outfall 015 only when the discharge is chlorinated. Additionally, the permittee requested that the conditions established for toxicity testing be changed from the 7-Day Chronic toxicity test to the 48-Hour Acute toxicity test utilizing a grab sample in lieu of a composite sample.

Response: The DEQ and EPA partially agree with this request. The DEQ and EPA agree that the biomonitoring requirements proposed for Outfall 015 shall only be performed during periods of chlorination or other biocide usage. A footnote will be inserted on the effluent limitations page of the final LPDES/NPDES permit (Part I, Page 7 of 9) which states, "Biomonitoring shall only be required during periods of chlorination or other biocide usage. The permittee shall notify the DEQ and EPA no later than 30 days prior to commencement of its chlorination activities." In addition, the DEQ and EPA agree to change the conditions established for toxicity testing from the 7-Day Chronic toxicity test to the 48-Hour Acute toxicity test. The initial critical dilution and dilution series placed in the draft LPDES/NPDES permit were taken from the Territorial Seas of Louisiana General Permit. However, based on recent modeling data generated by the DEQ, Engineering Section, the original critical dilution and dilution series were recalculated to be representative of the permittee's discharge and the receiving stream flow. Therefore, the original critical dilution and dilution series incorporated in the draft LPDES/NPDES permit will be changed to reflect 3.85%, 2.89%, 2.17%, 1.63%, and 1.22% with 2.89% as the critical dilution value. The final LPDES/NPDES permit will reflect the changes.

The DEQ and EPA deny the request to change the sample type under the biomonitoring requirements from composite sampling to grab sampling due to the fact that the discharge flow from this outfall is continuous. Part II, Page 8 of 18 in the draft LPDES/NPDES permit provides for a reduction in the sampling frequency should the discharge cease during the sampling period. Furthermore, the DEQ and EPA correct the administrative record to clarify the term "Composite sampling" to mean "24-Hour Composite sampling".

Comment 3:

Comment: The permittee requested that only parameters for Flow, Oil & Grease, and pH be considered for Outfall 015.

Response: The DEQ and EPA deny this request. The effluent limitations and monitoring requirements proposed for Outfall 015 are based on the permittee's potential to chlorinate the once-through non-contact cooling water and the effluent characteristics of the discharge. Therefore, the effluent limitations and monitoring requirements will remain as proposed. However, the DEQ and EPA will add a condition in the final LPDES/NPDES permit which requires the permittee to monitor Chlorine only during

periods of chlorination or other biocide usage. A footnote will be inserted on the effluent limitations page of the final LPDES/NPDES permit (Part I, Page 7 of 9) which states, "Chlorine shall only be monitored during periods of chlorination or other biocide usage." The final LPDES/NPDES permit will reflect this change.

Comment 4:

Comment: The permittee requested that the monitoring frequency reduction language be changed from "This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both species reverts to once per quarter until the permit is reissued" to "...the monitoring frequency at the expiration date of this permit shall continue until the permit is reissued, provided that treatment is occurring to the effluent". The concern for this recommendation is that the current permit has been administratively continued for eight years.

Response: The DEQ and EPA deny this request. The monitoring reduction frequencies are granted only until the expiration date of the permit. Due to the relatively infrequent monitoring under the frequency reduction model and the potential for changes in flow, treatment, and/or operation, more intense monitoring is needed on a periodic basis. The final LPDES/NPDES permit will not be changed to incorporate the requested language.

EPA initiated consultation with the National Marine Fisheries Service (Service) on October 11, 2002, under Section 7(a)(2) of the Endangered Species Act. Section 7(a)(2) requires federal agencies, in consultation with the Service, to insure that their actions are not likely to jeopardize the existence of federally listed species or result in the destruction or adverse modification of designated critical habitat. After initiation of consultation, Section 7(d) of the Endangered Species Act prohibits irreversible or irretrievable commitments of resources that have the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives which would not violate Section 7(a)(2) of the Endangered Species Act.

While EPA is currently consulting with the Service, the current consultation schedule is expected to extend beyond the renewal date of this permit. Therefore, EPA has decided to issue this permit while consultation is pending. Based on preliminary comments from the Service, EPA anticipates that the consultation will conclude with the Service's concurrence that the reissuance of this permit may affect, but is not likely to adversely affect, federally listed threatened and endangered species or designated critical habitat. Once consultation is complete, EPA will modify this permit should the agency find that the consultation demonstrates that different permit limits or conditions to protect listed species or critical habitat are warranted. Therefore, a reopener provision to this effect has been included in the permit.

Pursuant to the Clean Water Act (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached LPDES/NPDES permit has been reissued. Provisions of this permit may be appealed in writing pursuant to La. R.S. 2024(A)/40 CFR 124.19(a) within 30 days from receipt of the permit. Only those provisions specifically appealed will be suspended by a request for hearing unless the secretary or the assistant secretary or the EPA Administrator elects to suspend other provision(s) as well. A request for hearing must be sent to the following:

Louisiana Department of Environmental Quality
Office of the Secretary
Attention: Hearings Clerk, Legal Division
Post Office Box 82282
Baton Rouge, Louisiana 70884-2282

or

United States Environmental Protection Agency
Attention: Ms. Diane Smith (6WQ-CA)
Customer Service Branch
1445 Ross Avenue
Dallas, Texas 75202-2733

This permit shall replace the previously effective EPA (NPDES) permit. All future correspondence regarding this permit shall use the Agency Interest (AI) number 4634 and LPDES permit number LA0049492.

In accordance with Part II, Paragraph K of the permit, monitoring results should be reported on a Discharge Monitoring Report (DMR) form per the schedule specified. A copy of the form to be used is attached for your convenience.

Should you have any questions concerning any part of the permit, please feel free to contact Sonja Loyd, DEQ, Office of Environmental Services, at the address on the bottom of the cover page or by telephone at (225) 765-0195. You may also contact Gloria Vaughn, EPA, Water Quality Protection Division, 1445 Ross Avenue, Dallas, Texas 75202, telephone (214) 665-7535 with any questions regarding the LPDES/NPDES permit.

Sincerely,

Linda Korn Levy
Assistant Secretary

Miguel I. Flores, Director
Water Quality Protection Division, EPA

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Attachments: DMR and Permit Parts I, II, III

c: cover letter and title page

David Ferrand
Customer Assistance Center
Maynard Ketcham-Room 310

c: cover letter and permit

Evelyn Rosborough (6WQ-CA)
U. S. Environmental Protection
Agency, Region VI (by Certified Mail)

Gloria Vaughn
U. S. Environmental Protection
Agency, Region VI

Southeast Regional Office
Office of Environmental Compliance

Celena Cage
Permits Division

Permit Compliance Unit
Office of Environmental Compliance

Sonja Loyd
Permits Division

Form Approved.
OMB No. 2040-0004
Approval expires 05-31-98

DISCHARGE MONITORING REPORT (DMR)

ME

DRESS

CILITY
CATION

(2-16)	(17-19)
PERMIT NUMBER	DISCHARGE NUMBER

	MONITORING PERIOD						
	YEAR	MO	DAY		YEAR	MO	DAY
FROM				TO			
	(20-21)	(22-23)	(24-25)		(26-27)	(28-29)	(30-31)

☐ Check here if No Discharge

NOTE: Read instructions before completing this form

PARAMETER (32-37)		QUANTITY OR LOADING (3 Card Only) AVERAGE (46-53)	MAXIMUM (54-61)	UNITS	QUALITY OR CONCENTRATION (4 Card Only) MINIMUM (38-45)	AVERAGE (46-53)	MAXIMUM (54-61)	UNITS	NO. EX (62-63)	FREQUENCY OF ANALYSIS (64-68)	SAMPLE TYPE (69-70)
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
	SAMPLE MEASUREMENT										
	PERMIT REQUIREMENT										
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	PERMIT REQUIREMENT										

NAME/TITLE PRINCIPAL EXECUTIVE OFFICER	I CERTIFY UNDER PENALTY OF LAW THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHER AND EVALUATE THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE, AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. SEE 18 U.S.C. § 1001 AND 33 U.S.C. § 1319. (Penalties under these statutes may include fines up to $10,000 and or maximum imprisonment of between 6 months and 5 years.)		TELEPHONE		DATE		
TYPED OR PRINTED		SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	AREA CODE	NUMBER	YEAR	MO	DAY

COMMENTS AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here)

PERMIT NUMBER
LA0049492 / AI No.: 4634

OFFICE OF ENVIRONMENTAL SERVICES

Water Discharge Permit

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R. S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, and in reliance on statements and representations heretofore made in the application, a Louisiana Pollutant Discharge Elimination System/National Pollutant Discharge Elimination System permit is reissued authorizing

LOOP LLC
One Seine Court
P.O. Box 6638
New Orleans, Louisiana 70174

Type Facility: Deepwater port, pipelines and storage facilities for the transportation of crude oil

Location: Outfall 001 - Lat. 28°53'06" Long. 90°01'30", Outfall 002 - Lat. 28°53'06" Long. 90°01'30", Outfall 004 - Lat. 29°06'16" Long. 90°06'47", Outfall 005 - Lat. 29°07'00" Long. 90°12'36", Outfall 006 - Lat. 29°07'00" Long. 90°12'36", Outfall 007 - Lat. 29°27'45" Long. 90°18'20", Outfall 008 - Lat. 29°28'12" Long. 90°15'16", Outfall 012 - Lat. 29°28'12" Long. 90°15'16", Outfall 015 - Lat. 28°53'06" Long. 90°01'30", Outfall 018 - Lat. 29°09'15" Long. 90°10'30", Outfall 020 - Lat. 29°27'45" Long. 90°18'20", Outfall 021 - Lat. 29°27'03" Long. 90°16'06", Outfall 022 - Lat. 29°28'18" Long. 90°15'05", Outfall 023 - Lat. 29°09'15" Long. 90°10'30" Lafourche Parish,

Receiving Waters: Outfalls 001, 002, 004 and 015 - Gulf of Mexico; Outfalls 005 and 006 - Bayou Lafourche; Outfalls 007, 008, 012, 020 and 022 - Breton Canal; Outfalls 018 and 023 - Bayou Moreau; Outfall 021 - LL&E Canal

to discharge in accordance with effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, and III attached hereto.

This permit shall become effective on February 1, 2003

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on January 21, 2003

Linda Korn Levy
Assistant Secretary, DEQ

Miguel I. Flores, Director
Water Quality Protection Division, EPA

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 001, the intermittent discharge of stormwater runoff from the oily water system located on the pumping platform in the Gulf of Mexico (*1)

Such discharges shall be limited and monitored by the permittee as specified below:

No discharge of free oil. This means that a discharge shall not cause a film or sheen or a discoloration on the surface of the water or cause a sludge or emulsion to be deposited beneath the surface of the water. Monitoring shall be performed once per day when discharging, during conditions when an observation of a visual sheen on the surface of the receiving water is possible in the vicinity of the discharge, and the facility is manned. The number of days a sheen is observed must be recorded.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge is through the sea sump 45 feet below the surface of the water adjacent to the pumping platform.

FOOTNOTE(S):

(*1) Discharges from Outfall 001 fall within the regulatory jurisdiction of the EPA (Part II, Paragraph E).

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfalls 004, the discharge of brine from the brine reservoir (*4)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations (lbs/day, UNLESS STATED)		Other Units (mg/L, UNLESS STATED)		Monitoring Requirements	
	STORET Code	Monthly Average	Daily Maximum	Daily Average	Daily Maximum	Measurement Frequency(*1)	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/day	Estimate
Oil and Grease	03582	---	---	10	15	1/day	Grab
Total Dissolved Solids	70296	---	---	Report	Report	1/week	Grab
Temperature (°F)	00011	---	---	Report	Report	1/month	Grab
Chloride	00940	---	---	Report	Report	1/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/week	Grab

The analytical method used must be capable of detecting the limiting concentration.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

(*3) The DEQ must be notified by written request by the permittee prior to adding an oxygen scavenger or a corrosion inhibitor to the line. The DEQ shall also be notified prior to discharge of pipeline volume upon termination of static operations. Approval of the discharge of water containing oxygen scavengers and/or corrosion inhibitors must be obtained from the DEQ prior to discharge. Material Safety Data Sheets and toxicity analyses for the oxygen scavengers and/or the corrosion inhibitors must accompany the written requests. Approval shall be made only after the required information is submitted to the DEQ.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s) prior to combining with other waters:

Outfall 004 - at the brine diffuser located approximately 2.5 miles southeast of the mouth of Bayou Lafourche.

FOOTNOTE(S):

(*1) When discharging.
(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
(*3) See Part II, Paragraph N.
(*4) Discharges from Outfall 004 fall within the regulatory jurisdiction of the DEQ (Part II, Paragraph E).

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfall 005, marine cargo hose testing water, stormwater from the general surface area of the testing facility, stormwater and wash water from the oil spill equipment cleaning pad and stormwater from the containment area surrounding the oily water tank at the small boat harbor (*3)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations (lbs/day, UNLESS STATED)		Monitoring Requirements Other Units (mg/L, UNLESS STATED)			
	STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency(*1)	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/month	Estimate
TOC	00680	---	---	---	50	1/month	Grab
COD	00340	---	---	---	100	1/month	Grab
Oil and Grease	03582	---	---	---	15	1/month	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/month	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s) prior to combining with other waters: from a pipe into Bayou Lafourche from the secondary containment area around the oily water tank located at LOOP's Small Boat Harbor at 439 A.J. Estay Road in Port Fourchon, Lat. 29°07'00", Long. 90°12'36".

FOOTNOTE(S):

(*1) When discharging.
(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
(*3) Discharges from Outfall 005 fall within the regulatory jurisdiction of the DEQ (Part II, Paragraph E).

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfalls 012, 018, 020, 021, and 022 the intermittent discharge of stormwater runoff (*3)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic		Discharge Limitations (lbs/day, UNLESS STATED)		Monitoring Requirements Other Units (mg/L, UNLESS STATED)			
	STORET Code	Monthly Average	Daily Maximum	Monthly Average	Daily Maximum	Measurement Frequency(*1)	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/quarter	Estimate
TOC	00680	---	---	---	50	1/quarter	Grab
Oil and Grease	03582	---	---	---	15	1/quarter	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*2) (Min)	9.0 (*2) (Max)	1/quarter	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s) prior to combining with other waters:

Outfall 012 - Discharged from the secondary containment area around LOOP's Auxiliary Tank at the Clovelly Dome Storage Terminal Facility through a pipe to a private canal then to Breton Canal. Located along the east side of the LOOP Acess Road (East 101 Place) in Galliano. Lat. 29°28'12", Long. 90°15'16".
Outfall 018 - Discharged from the secondary containment area around LOOP's Fourchon Booster Station located in Port Fourchon. Discharged through a pipe from the collection pond in the northwest corner of the station into Bayou Moreau. Lat. 29°09'15", Long. 90°10'30".
Outfall 020 - Discharged from the secondary containment area around the gasoline tanks adjacent to the LOOP Warehouse at 224 East 101 Place (LOOP Access Road) in Galliano. Discharged through a hose into an unnamed ditch along the east side of LOOP's property to Breton Canal. Lat. 29°27'45", Long. 90°18'20".
Outfall 021 - Discharged from the secondary containment area around the Clovelly Tank Facility located along Airport Road in Galliano. Discharged through a pipe into LL&E Canal. Lat. 29°27'03", Long. 90°16'06".
Outfall 022 - Discharged from the containment area around the Switchgear Platform at the Clovelly Dome Storage Terminal Facility, located along the east side of the LOOP Access Road (East 101 Place) in Galliano. Discharged through a pipe to a private canal then to Breton Canal. Lat. 29°28'18", Long. 90°15'05".

FOOTNOTE(S):

(*1) When discharging.
(*2) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
(*3) Discharges from Outfalls 012, 018, 020, 021, and 022 fall within the regulatory jurisdiction of the DEQ (Part II, Paragraph E).

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfalls 015, the discharge of non-contact cooling water (*6)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	STORET Code	Discharge Limitations (lbs/day, UNLESS STATED) Monthly Average	Daily Maximum	Other Units (mg/L, UNLESS STATED) Daily Average	Daily Maximum	Monitoring Requirements Measurement Frequency(*1)	Sample Type (*5)
Flow-MGD	50050	Report	Report	4.32	5.4	1/month	Estimate
TOC (net)	00680	---	---	---	5	1/month	Grab
Oil and Grease	03582	---	---	---	15	1/month	Grab
Chlorine	50060	---	---	0.5	1.0	1/week	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*3) (Min)	9.0 (*3) (Max)	1/month	Grab
48-HOUR ACUTE BIOMONITORING: MARINE (*4)							
NOEC, Pass/Fail, Lethality, Static Renewal, 48-Hour Acute Menidia beryllina	TEM6B	---	---	---	---	1/quarter (*2)	24-Hour Composite
NOEC, Value, Lethality, Static Renewal, 48-Hour Acute Menidia beryllina	TOM6B	---	---	---	---	1/quarter (*2)	24-Hour Composite
NOEC, Pass/Fail, Lethality, Static Renewal, 48-Hour Acute Mysidopsis bahia	TEM3E	---	---	---	---	1/quarter (*2)	24-Hour Composite
NOEC, Value, Lethality, Static Renewal, 48-Hour Acute Mysidopsis bahia	TOM3E	---	---	---	---	1/quarter (*2)	24-Hour Composite

There shall be no discharge of floating solids or visible foam in other than trace amounts.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s) prior to combining with other waters:

Outfall 015 - at the point of discharge from the non-contact cooling water system on the pumping platform at LOOP's Marine Terminal in the Gulf of Mexico.

FOOTNOTE(S):

(*1) When discharging.
(*2) If there are no significant lethal effects demonstrated to the species at or below the critical dilution during the first four quarters of testing, the permittee may certify fulfillment of the WET testing requirements in writing to the permitting authority and WET testing may be reduced to not less than once per six months for the more sensitive species and not less than once per year for the less sensitive species for the remainder of the life of the permit. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both species reverts to once per quarter until the permit is reissued. See Part II, Paragraph D.4.d.
(*3) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
(*4) Biomonitoring shall only be required during periods of chlorination or other biocide usage. The permittee shall notify the DEQ and EPA no later than 30 days prior to commencement of its chlorination activities.
(*5) See Part II, Paragraph L, Section C.4.c.
(*6) Discharges from Outfall 015 fall within the regulatory jurisdiction of the EPA (Part II, Paragraph E).

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

During the period beginning the effective date and lasting through the expiration date the permittee is authorized to discharge from:

Outfalls 002, 006, 007, 008, and 023, the discharge of treated sanitary wastewater (*7)

Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Characteristic	Discharge Limitations (lbs/day, UNLESS STATED)		Monitoring Requirements Other Units (mg/L, UNLESS STATED)			
	STORET Code	Monthly Average	Daily Average	Monthly Average	Weekly Average	Measurement Frequency(*1)	Sample Type
Flow-MGD	50050	Report	Report	---	---	1/6 months	Estimate
BOD_5	00310	---	---	---	45	1/6 months	Grab
TSS	00530	---	---	---	45	1/6 months	Grab
Fecal Coliform colonies/100 ml (*2)	74055	---	---	---	400(*3)	1/6 months	Grab
Total Residual Chlorine(*4)	50060	---	---	---	2.0	1/6 months	Grab
pH Min/Max Values (Standard Units)	00400	---	---	6.0 (*5) (Min)	9.0 (*5) (Max)	1/6 months	Grab

There shall be no discharge of floating solids or visible foam in other than trace amounts, nor of free oil or other oil materials, nor of toxic materials in quantities such as to cause acute toxicity to aquatic organisms. Furthermore, there shall be no visible sheen or stains attributable to this discharge.

The discharge of garbage is prohibited. "Garbage" means all kinds of food waste, wastes generated in living areas on the facility, and operational waste, excluding fresh fish and parts thereof, generated during the normal operation of the facility and liable to be disposed of continuously or periodically, except dishwater, graywater, and those substances that are defined or listed in other Annexes to MARPOL 73/78. [Exception] Comminuted food waste (able to pass through a screen with a mesh no larger than 25 mm, approx. 1 inch) may be discharged when 12 nautical miles or more from land.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

Outfall 002(*6) - Sewage treatment package plant located on the control platform at LOOP's Marine Terminal in the Gulf of Mexico, Lat. 28°53'06" Long. 90°01'30".
Outfall 006 - Sewage treatment package plant located at the LOOP Small Boat Harbor at 439 A.J. Estay Road in Port Fourchon, along the east side of Bayou Lafourche. Lat. 29°07'00" Long. 90°12'36".
Outfall 007 - Sewage treatment package plant located between the LOOP Operations Center and Warehouse at 224 East 101 Place (LOOP Access Road) in Galliano. Discharged into an unnamed ditch along the east side of LOOP's property then to Breton Canal. Lat. 29°27'45" Long. 90°18'20".
Outfall 008 - Sewage treatment package plant located beneath the control building at LOOP's Clovelly Dome Storage Terminal Facility, along LOOP Access Road (East 101 Place) in Galliano. Discharged to a private canal then to Breton Canal. Lat. 29°28'12" Long. 90°15'16".
Outfall 023 - Sewage treatment package plant located at the Fourchon Booster Station in Port Fourchon. Discharged through a pipe into a facility ditch that flows to the collection pond in the northwest corner of the station then to Bayou Moreau. Lat. 29°09'15" Long. 90°10'30".

at the point of discharge from the treatment facility prior to combining with other waters.

EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

FOOTNOTE(S):

(*1) When discharging.
(*2) Future water quality studies may indicate potential toxicity from the presence of residual chlorine in the treatment facility's effluent. Therefore, the permittee is hereby advised that a future Total Residual Chlorine Limit may be required if chlorine is used as a method of disinfection. In many cases, this becomes a NO MEASURABLE Total Residual Chlorine Limit.
(*3) For Outfall 006, the weekly average shall be 43 colonies/100 mL due to oyster propagation in Bayou Lafourche.
(*4) Total Residual Chlorine limit is implemented only for Outfall 006.
(*5) The permittee shall report on the Discharge Monitoring Reports both the minimum and maximum instantaneous pH values measured.
(*6) The discharge from Outfall 002 shall only be monitored for Flow, TSS, BOD_5, and pH.
(*7) Discharges from Outfalls 006, 007, 008, and 023 fall within the regulatory jurisdiction of the DEQ. Discharges from Outfall 002 fall within the regulatory jurisdiction of the EPA. See (Part II, Paragraph E).

PART II

OTHER REQUIREMENTS

In addition to the standard conditions required in all permits and listed in Part III, the Office has established the following additional requirements in accordance with the Louisiana Water Quality Regulations.

A. The Department of Environmental Quality and the U.S. Environmental Protection Agency reserve the right to impose more stringent discharge limitations or additional restrictions, if necessary, to maintain the water quality integrity and the designated uses of the receiving water bodies.

B. This permit does not in any way authorize the permittee to discharge a pollutant not identified, listed or quantified during the permit application process or limited or monitored for in the permit.

C. Authorization to discharge pursuant to the conditions of this permit does not relieve the permittee of any liability for damages to state waters, federal waters, or private property. For discharges to private land, this permit does not relieve the permittee from obtaining proper approval from the landowner for appropriate easements and rights of way.

D. For definitions of monitoring and sampling terminology see Part III, Section F.

E. Please be advised that appeals and the resolution thereof shall be directed to the agency having regulatory jurisdiction over that portion of the permit.

F. 24-HOUR ORAL REPORTING: DAILY MAXIMUM LIMITATION VIOLATIONS

Under the provisions of Part III.D.6.b.(3) of this permit, violations of daily maximum limitations for the following pollutants shall be reported orally to the Office of Environmental Compliance within 24 hours from the time the permittee became aware of the violation followed by a written report in five days.

Pollutant(s): None

G. 40 CFR PART 136 (See LAC 33:IX.2531) ANALYTICAL REQUIREMENTS

Unless otherwise specified in this permit, monitoring shall be conducted according to analytical, apparatus and materials, sample collection, preservation, handling, etc., procedures listed at 40 CFR Part 136, and in particular, Appendices A, B, and C (See LAC 33:IX.2531).

H. pH RANGE EXCURSION PROVISIONS

Where a permittee continuously measures the pH of wastewater as a requirement or option in an LPDES/NPDES permit, the permittee shall maintain the pH of such wastewater within the range set forth in the permit, except that excursions from the range are permitted, provided:

1. The total time during which the pH values are outside the required range of pH values shall not exceed 446 minutes in any calendar month; and

OTHER REQUIREMENTS (continued)

2. No individual excursion from the range of pH values shall exceed 60 minutes.

For the purposes of this section, an "excursion" is an unintentional and temporary incident in which the pH value of discharge wastewater exceeds the range set forth in the permit.

I. The permittee shall achieve compliance with the effluent limitations and monitoring requirements specified for discharges in accordance with the following schedule: Effective date of the permit.

J. PERMIT REOPENER CLAUSE

In accordance with LAC 33:IX.2361.C.3/40 CFR 122.44(c), this permit may be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitations issued or approved under sections 301(b)(2)(c) and (D); 304(b)(2); and 307(a)(2) of the Clean Water Act, if the effluent standard or limitations so issued or approved:

1. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

2. Controls any pollutant not limited in the permit; or

3. Require reassessment due to change in 303(d) status of waterbody; or

4. Incorporates the results of any total maximum daily load allocation, which may be approved for the receiving water body.

K. DISCHARGE MONITORING REPORTS

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1 or an approved substitute). All monitoring reports must be retained for a period of at least three (3) years from the date of the sample measurement. The permittee shall make available to this Department, upon request, copies of all monitoring data required by this permit.

If there is a no discharge event at any of the monitored outfall(s) during the reporting period, place an "X" in the NO DISCHARGE box located in the upper right corner of the Discharge Monitoring Report.

Reporting periods shall end on the last day of the month. Monitoring results for each month shall be summarized on a Discharge Monitoring Report (DMR) Form and submitted to the DEQ and the EPA per the schedule below, postmarked no later than the 15th day of the month following each reporting period.

Permittees shall be required to submit DMR's according to the following

OTHER REQUIREMENTS (continued)

schedule or as established in the permit:

For parameter(s) with monitoring frequency(ies) of 1/month or more frequent:

Submit DMR by the 15th day of the following month.

For parameter(s) with monitoring frequency(ies) of 1/quarter:

Monitoring Period	DMR Due Date
January 1 - March 30	April 15th
April 1 - June 30	July 15th
July 1 - September 30	October 15th
October 1 - December 30	January 15th

For parameter(s) with monitoring frequency(ies) of semi-annual:

Monitoring Period	DMR Due Date
January 1 - June 30	July 15th
July - December 31	January 15th

For parameter(s) with monitoring frequency(ies) of 1/year:

Monitoring Period	DMR Due Date
January 1 - December 31	January 15th

LPDES permit LA0049492 is being issued jointly by the DEQ and EPA. Duplicate DMR forms must be submitted (one set of originals and one set of copies), signed and certified as required by LAC 33:IX.2333.B/40 CFR 122.22(b). All other reports (one set of originals) required by this permit shall be submitted to the Permit Compliance Unit, and the appropriate DEQ regional office (one set of copies) at the following addresses:

Department of Environmental Quality
Office of Environmental Compliance
Permit Compliance Unit
Post Office Box 82215
Baton Rouge, Louisiana 70884-2215

Department of Environmental Quality
Office of Environmental Compliance
Surveillance Division
201 Evans Road
Bldg. 4, Suite 420
New Orleans, Louisiana 70123-5230

OTHER REQUIREMENTS (continued)

For EPA reporting, DMR forms and all other reports (i.e., noncompliance reports, etc.) pertaining to these outfalls, must be submitted to the following address:

U.S. Environmental Protection Agency, Region 6
Water Quality Protection Division
1445 Ross Avenue
Dallas, Texas 75202- 2733

L. 48 HR ACUTE BIOMONITORING REQUIREMENTS: MARINE

A. SCOPE AND METHODOLOGY

1. The permittee shall test the effluent for toxicity in accordance with the provisions in this section.

APPLICABLE TO OUTFALL(S): 015
REPORTED ON DMR AS OUTFALL:

CRITICAL DILUTION: 2.89%

EFFLUENT DILUTION SERIES: 1.22%,1.63%,2.17%,2.89%, and 3.85%

COMPOSITE SAMPLE TYPE: Defined at Part I

TEST SPECIES/METHODS: 40 CFR Part 136 (See LAC 33:IX.2531)

Mysidopsis bahia (Mysid shrimp) acute static renewal 48-hour definitive toxicity test using EPA/600/4-90/027F, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

Menidia beryllina (Inland Silverside minnow) acute static renewal 48-hour definitive toxicity test using EPA/600/4-90/027F, or the latest update thereof. A minimum of five (5) replicates with eight (8) organisms per replicate must be used in the control and in each effluent dilution of this test.

OTHER REQUIREMENTS (continued)

2. The NOEC (No Observed Effect Concentration) is defined as the greatest effluent dilution which does not result in lethality that is statistically different from the control (0% effluent) at the 95% confidence level.

3. This permit may be reopened to require whole effluent toxicity limits, chemical specific effluent limits, additional testing, and/or other appropriate actions to address toxicity.

B. PERSISTENT LETHALITY

The requirements of this subsection apply only when a toxicity test demonstrates significant lethal effects at the critical dilution. Significant lethal effects are herein defined as a statistically significant difference at the 95% confidence level between the survival of the appropriate test organism in a specified effluent dilution and the control (0% effluent).

1. Part I Testing Frequency Other Than Monthly

a. The permittee shall conduct a total of two (2) additional tests for any species that demonstrates significant lethal effects at the critical dilution. The two additional tests shall be conducted monthly during the next two consecutive months. The permittee shall not substitute either of the two additional tests in lieu of routine toxicity testing, unless the specified testing frequency for the species demonstrating significant lethal effects is monthly. The full report shall be prepared for each test required by this section in accordance with procedures outlined in item 4 of this section.

b. If one or both of the two additional tests demonstrates significant lethal effects at the critical dilution, the permittee shall initiate Toxicity Reduction Evaluation (TRE) requirements as specified in item 5 of this section. The permittee shall notify EPA in writing within 5 days of the failure of any retest, and the TRE initiation date will be the test completion date of the first failed retest.

OTHER REQUIREMENTS (continued)

c. If one or both of the two additional tests demonstrates significant lethal effects at the critical dilution, the permittee shall henceforth increase the frequency of testing for this species to once per quarter for the life of the permit.

d. The provisions of item 2.a are suspended upon submittal of the TRE Action Plan.

C. REQUIRED TOXICITY TESTING CONDITIONS

1. Test Acceptance

The permittee shall repeat a test, including the control and all effluent dilutions, if the procedures and quality assurance requirements defined in the test methods or in this permit are not satisfied, including the following additional criteria:

a. Each toxicity test control (0% effluent) must have a survival equal to or greater than 90%.

b. The percent coefficient of variation between replicates shall be 40% or less in the control (0% effluent) for: Mysid shrimp survival test; and Inland Silverside minnow survival test.

c. The percent coefficient of variation between replicates shall be 40% or less in the critical dilution, unless significant lethal effects are exhibited for: Mysid shrimp survival test; and Inland Silverside minnow survival test.

Test failure may not be construed or reported as invalid due to a coefficient of variation value of greater than 40%. A repeat test shall be conducted within the required reporting period of any test determined to be invalid.

2. Statistical Interpretation

For the Mysid shrimp survival test and the Inland Silverside minnow survival test, the statistical analyses used to determine if there is a statistically significant difference between the control and the critical dilution shall be in accordance with the methods for determining the No Observed Effect Concentration (NOEC) as described in EPA/600/4-90/027F, or the most recent update thereof.

OTHER REQUIREMENTS (continued)

If the conditions of Test Acceptability are met in Item 3.a above and the percent survival of the test organism is equal to or greater than 80% in the critical dilution concentration and all lower dilution concentrations, the test shall be considered to be a passing test regardless of the calculated NOEC, and the permittee shall report a NOEC of not less than the critical dilution for the DMR reporting requirements found in Item 4 below.

3. Dilution Water

a. Dilution water used in the toxicity tests will be receiving water collected as close to the point of discharge as possible but unaffected by the discharge. The permittee shall substitute synthetic dilution water of similar pH, hardness and salinity to the closest downstream perennial water for;

(1) toxicity tests conducted on effluent discharges to receiving water classified as intermittent streams; and

(2) toxicity tests conducted on effluent discharges where no receiving water is available due to zero flow conditions.

b. If the receiving water is unsatisfactory as a result of instream toxicity (fails to fulfill the test acceptance criteria of item 3.a), the permittee may substitute synthetic dilution water for the receiving water in all subsequent tests provided the unacceptable receiving water test met the following stipulations:

(1) a synthetic dilution water control which fulfills the test acceptance requirements of item 3.a was run concurrently with the receiving water control;

(2) the test indicating receiving water toxicity has been carried out to completion (i.e., 48 hours);

(3) the permittee includes all test results indicating receiving water toxicity with the full report and information required by item 4. below; and

OTHER REQUIREMENTS (continued)

(4) the synthetic dilution water shall have a pH, hardness and salinity similar to that of the receiving water or closest downstream perennial water not adversely affected by the discharge, provided the magnitude of these parameters will not cause toxicity in the synthetic dilution water.

4. Samples and Composites

a. The permittee shall collect two flow-weighted composite samples from the outfall(s) listed at item A.1 above.

b. The permittee shall collect a second composite sample for use during the 24-hour renewal of each dilution concentration for both tests. The permittee must collect the composite samples so that the maximum holding time for any effluent sample shall not exceed 36 hours. The permittee must have initiated the toxicity test within 36 hours after the collection of the last portion of the first composite sample. Samples shall be chilled to 4 degrees Centigrade during collection, shipping and/or storage.

c. The permittee must collect 24-Hour Composite samples such that the effluent samples are representative of any periodic episode of chlorination, biocide usage or other potentially toxic substance discharged on an intermittent basis.

d. If the flow from the outfall(s) being tested ceases during the collection of effluent samples, the requirements for the minimum number of effluent samples, the minimum number of effluent portions and the sample holding time are waived during that sampling period. However, the permittee must collect an effluent composite sample volume during the period of discharge that is sufficient to complete the required toxicity tests with daily renewal of effluent. When possible, the effluent samples used for the toxicity tests shall be collected on separate days. The effluent composite sample collection duration and the static renewal protocol associated with the abbreviated sample collection must be documented in the full report required in item 4 of this section.

OTHER REQUIREMENTS (continued)

e. MULTIPLE OUTFALLS: If the provisions of this section are applicable to multiple outfalls, the permittee shall combine the composite effluent samples in proportion to the average flow from the outfalls listed in item A.1 above for the day the sample was collected. The permittee shall perform the toxicity test on the flow-weighted composite of the outfall samples.

f. The permittee shall have the sample dechlorinated in the laboratory prior to installation of dechlorination systems. However, upon operation of dechlorination systems, the permittee shall not allow the sample to be dechlorinated at the laboratory.

D. REPORTING

1. The permittee shall prepare a full report of the results of all tests conducted pursuant to this Part in accordance with the Report Preparation Section of EPA/600/4-90/027F, for every valid or invalid toxicity test initiated, whether carried to completion or not. The permittee shall retain each full report pursuant to the provisions of Part III.C.3 of this permit. The permittee shall submit the first full report to:

Department of Environmental Quality
Office of Environmental Compliance
P.O. Box 82215
Baton Rouge, Louisiana 70884-2215
Attn: Permit Compliance Unit

2. A valid test for each species must be reported on the DMR during each reporting period specified in Part I of this permit unless the permittee is performing a TRE which may increase the frequency of testing and reporting. Only ONE set of biomonitoring data for each species is to be recorded on the DMR for each reporting period. The data submitted should reflect the LOWEST Survival results for each species during the reporting period. All invalid tests, repeat tests (for invalid tests), and retests (for tests previously failed) performed during the reporting period must be attached to the DMR for this Office to review.

OTHER REQUIREMENTS (continued)

3. The permittee shall report the following results of each valid toxicity test on the subsequent monthly DMR for that reporting period in accordance with Part III.D.4 of this permit. Submit retest information clearly marked as such with the following month's DMR. Only results of valid tests are to be reported on the DMR. The permittee shall submit the Table I summary sheet with each valid test.

   a. Menidia beryllina (Inland Silverside minnow)
      (1) If the No Observed Effect Concentration (NOEC) for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM6B.

      (2) Report the NOEC value for survival, Parameter No. TOM6B.

   b. Mysidopsis bahia (Mysid shrimp)

      (1) If the NOEC for survival is less than the critical dilution, enter a "1"; otherwise, enter a "0" for Parameter No. TEM3E.

      (2) Report the NOEC value for survival, Parameter No. TOM3E.

   The permittee shall submit the toxicity testing information contained in Table 1 of this permit with the DMR subsequent to each and every toxicity test reporting period. The DMR and the summary table should be sent to the address indicated in D.1. The permittee is not required to send the first complete report nor summary tables to EPA.

4. Monitoring Frequency Reduction

   a. The permittee may apply for a testing frequency reduction upon the successful completion of the first four consecutive quarters of testing for one or both test species, with no lethal or sub-lethal effects demonstrated at or below the critical dilution. If granted, the monitoring frequency for that test species may be reduced to not less than once per year for the less sensitive species (usually the Fathead minnow) and not less than once per six months for the more sensitive test species (usually the Daphnia pulex).

OTHER REQUIREMENTS (continued)

b. CERTIFICATION - The permittee must certify in writing that no test failures have occurred and that all tests meet all test acceptability criteria in item 3.a. above. In addition, the permittee must provide a list with each test performed including test initiation date, species, NOEC's for lethal and sub-lethal effects and the maximum coeffecient of variation for the controls. Upon review and acceptance of this information the agency will issue a letter of confirmation of the monitoring frequency reduction. A copy of the letter will be forwarded to the agency's Permit Compliance Unit to update the permit reporting requirements.

c. SURVIVAL FAILURES - If any test fails the survival endpoint at any time during the life of this permit, two monthly retests are required and the monitoring frequency for the affected test species shall be increased to once per quarter until the permit is reissued. Monthly retesting is not required if the permittee is performing a TRE.

d. This monitoring frequency reduction applies only until the expiration date of this permit, at which time the monitoring frequency for both test species reverts to once per quarter until the permit is reissued.

E. TOXICITY REDUCTION EVALUATION (TRE)

1. Within ninety (90) days of confirming lethality in the retests, the permittee shall submit a Toxicity Reduction Evaluation (TRE) Action Plan and Schedule for conducting a TRE. The TRE Action Plan shall specify the approach and methodology to be used in performing the TRE. A Toxicity Reduction Evaluation is an investigation intended to determine those actions necessary to achieve compliance with water quality-based effluent limits by reducing an effluent's toxicity to an acceptable level. A TRE is defined as a step-wise process which combines toxicity testing and analyses of the physical and chemical characteristics of a toxic effluent to identify the constituents causing effluent toxicity and/or treatment methods which will reduce the effluent toxicity. The TRE Action Plan shall lead to the successful elimination of effluent toxicity at the critical dilution and include the following:

OTHER REQUIREMENTS (continued)

a. Specific Activities. The plan shall detail the specific approach the permittee intends to utilize in conducting the TRE. The approach may include toxicity characterizations, identifications and confirmation activities, source evaluation, treatability studies, or alternative approaches. When the permittee conducts Toxicity Characterization Procedures the permittee shall perform multiple characterizations and follow the procedures specified in the document "Methods for Aquatic Toxicity Identification Evaluations: Phase I Toxicity Characterization Procedures" (EPA-600/6-91/003) or alternate procedures. When the permittee conducts Toxicity Identification Evaluations and Confirmations, the permittee shall perform multiple identifications and follow the methods specified in the documents "Methods for Aquatic Toxicity Identification Evaluations, Phase II Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/080) and "Methods for Aquatic Toxicity Identification Evaluations, Phase III Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity" (EPA/600/R-92/081), as appropriate.

The documents referenced above may be obtained through the National Technical Information Service (NTIS) by phone at (703) 487-4650, or by writing:

U.S. Department of Commerce
National Technical Information Service
5285 Port Royal Road
Springfield, Va. 22161

b. Sampling Plan (e.g., locations, methods, holding times, chain of custody, preservation, etc.). The effluent sample volume collected for all tests shall be adequate to perform the toxicity test, toxicity characterization, identification and confirmation procedures, and conduct chemical specific analyses when a probable toxicant has been identified;

OTHER REQUIREMENTS (continued)

Where the permittee has identified or suspects specific pollutant(s) and/or source(s) of effluent toxicity, the permittee shall conduct, concurrent with toxicity testing, chemical specific analyses for the identified and/or suspected pollutant(s) and/or source(s) of effluent toxicity. Where lethality was demonstrated within 24 hours of test initiation, each composite sample shall be analyzed independently. Otherwise the permittee may substitute a composite sample, comprised of equal portions of the individual composite samples, for the chemical specific analysis;

c. Quality Assurance Plan (e.g., QA/QC implementation, corrective actions, etc.); and

d. Project Organization (e.g., project staff, project manager, consulting services, etc.).

2. The permittee shall initiate the TRE Action Plan within thirty (30) days of plan and schedule submittal. The permittee shall assume all risks for failure to achieve the required toxicity reduction.

3. The permittee shall submit a quarterly TRE Activities Report, with the Discharge Monitoring Report in the months of January, April, July and October, containing information on toxicity reduction evaluation activities including:

a. any data and/or substantiating documentation which identifies the pollutant(s) and/or source(s) of effluent toxicity;

b. any studies/evaluations and results on the treatability of the facility's effluent toxicity; and

c. any data which identifies effluent toxicity control mechanisms that will reduce effluent toxicity to the level necessary to meet no significant lethality at the critical dilution.

The TRE Activities Report shall be submitted to the following addresses:

Department of Environmental Quality
Office of Water Resources
P.O. Box 82215
Baton Rouge, Louisiana 70884-2215
Attn: Permit Compliance Unit

OTHER REQUIREMENTS (continued)

U.S. Environmental Protection Agency, Region 6
Water Enforcement Branch, 6 EN-WC
1445 Ross Avenue
Dallas, Texas 75202

4. The permittee shall submit a Final Report on Toxicity Reduction Evaluation Activities no later than twenty-eight (28) months from confirming lethality in the retests, which provides information pertaining to the specific control mechanism selected that will, when implemented, result in reduction of effluent toxicity to no significant lethality at the critical dilution. The report will also provide a specific corrective action schedule for implementing the selected control mechanism.

   A copy of the Final Report on Toxicity Reduction Evaluation Activities shall also be submitted to the above addresses.

M. STORMWATER DISCHARGES

1. This section applies to all stormwater discharges from the facility, either through permitted outfalls or through outfalls which are not listed in the permit or as sheet flow.

2. Any runoff leaving the developed areas of the facility, other than the permitted outfall(s), exceeding 50 mg/L TOC, 15 mg/L Oil and Grease, or having a pH less than 6.0 or greater than 9.0 standard units shall be a violation of this permit. Any discharge in excess of these limitations, which is attributable to offsite contamination shall not be considered a violation of this permit. A visual inspection of the facility shall be conducted and a report made annually as described in Paragraph 4 below.

3. The permittee shall prepare, implement, and maintain a Storm Water Pollution Prevention Plan (SWP3) within six (6) months of the effective date of the final permit. The purpose of the pollution prevention plan is to identify potential sources of pollution that would reasonably be expected to affect the quality of storm water and identify the practices that will be used to prevent or reduce the pollutants in storm water discharges. The terms and conditions of the SWP3 shall be an enforceable part of the permit. EPA document 832-R-92-006 (Storm Water Management for Industrial Activities:Developing Pollution Prevention Plans and Best Management Practices)may be used as a guidance and may be obtained by writing to the U.S. Environmental Protection Agency, Office of Water Resources (RC-4100), 1200 Pennsylvania, Avenue, Washington D.C. 20460 or by calling (202) 566-1729 or via the Wetlands Helpline (800) 832-7828. The document is also available online at via the "Publications, Guidance" links at: www.epa.gov/npdes/stormwater.

OTHER REQUIREMENTS (continued)

4. The following conditions are applicable to all facilities and shall be included in the SWP3 for the facility.

a. The permittee shall conduct an annual inspection of the facility site to identify areas contributing to the storm water discharge from developed areas of the facility and evaluate whether measures to reduce pollutant loadings identified in the SWP3 are adequate and have been properly implemented in accordance with the terms of the permit or whether additional control measures are needed.

b. The permittee shall develop a site map which includes all areas where stormwater may contact potential pollutants or substances which can cause pollution. Any location where reportable quantities leaks or spills have previously occurred are to be documented in the SWP3. The SWP3 shall contain a description of the potential pollutant sources, including, the type and quantity of material present and what action has been taken to assure stormwater precipitation will not directly contact the substances and result in contaminated runoff.

c. Where experience indicates a reasonable potential for equipment failure (e.g. a tank overflow or leakage), natural condition of (e.g. precipitation), or other circumstances which result in significant amounts of pollutants reaching surface waters, the SWP3 should include a prediction of the direction, rate of flow and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.

d. The permittee shall maintain for a period of three years a record summarizing the results of the inspection and a certification that the facility is in compliance with the SWP3 and the permit, and identifying any incidents of noncompliance. The summary report should contain, at a minimum, the date and time of inspection, name of inspector(s), conditions found, and changes to be made to the SWP3.

e. The summary report and the following certification shall be signed in accordance with LAC 33:IX.2333. The summary

OTHER REQUIREMENTS (continued)

report is to be attached to the SWP3 and provided to the Department upon request.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signatory requirements for the certification may be found in Part III, Section D.10 of this permit.

f. The permittee shall make available to the LDEQ and the EPA, upon request, a copy of the SWP3 and any supporting documentation.

5. The following shall be included in the SWP3, if applicable.

a. The permittee shall utilize all reasonable methods to minimize any adverse impact on the drainage system including but not limited to:

1. maintaining adequate roads and driveway surfaces;
2. removing debris and accumulated solids from the drainage system; and
3. cleaning up immediately any spill by sweeping, absorbent pads, or other appropriate methods.

b. All spilled product and other spilled wastes shall be immediately cleaned up and disposed of according to all applicable regulations, Spill Prevention and Control (SPC) plans or Spill Prevention Control and Countermeasures (SPCC) plans. Use of detergents, emulsifiers, or dispersants to clean up spilled product is prohibited except where necessary to comply with State or Federal safety regulations (i.e., requirement for non-slippery work surface) except where the cleanup practice does not result in a discharge and does not leave residues exposed to future storm events. In all such cases, initial cleanup shall be done by physical removal and chemical usage shall be minimized.

c. All equipment, parts, dumpsters, trash bins, petroleum products, chemical solvents, detergents, or other materials

OTHER REQUIREMENTS (continued)

exposed to stormwater shall be maintained in a manner which prevents contamination of stormwater by pollutants.

d. All waste fuel, lubricants, coolants, solvents, or other fluids used in the repair or maintenance of vehicles or equipment shall be recycled or contained for proper disposal. Spills of these materials are to be cleaned up by dry means whenever possible.

e. All storage tank installations (with a capacity greater than 660 gallons for an individual container, or 1,320 gallons for two or more containers in aggregate within a common storage area) shall be constructed so that a secondary means of containment is provided for the entire contents of the largest tank plus sufficient freeboard to allow for precipitation. Diked areas should be sufficiently impervious to contain spills.

f. All diked areas surrounding storage tanks or stormwater collection basins shall be free of residual oil or other contaminants so as to prevent the accidental discharge of these materials in the event of flooding, dike failure, or improper draining of the diked area. All drains from diked areas shall be equipped with valves which shall be kept in the closed condition except during periods of supervised discharge.

g. All check valves, tanks, drains, or other potential sources of pollutant releases shall be inspected and maintained on a regular basis to assure their proper operation and to prevent the discharge of pollutants.

h. The permittee shall assure compliance with all applicable regulations promulgated under the Louisiana Solid Waste and Resource Recovery Law and the Hazardous Waste Management Law (L.R.S. 30:2151, etc.). Management practices required under above regulations shall be referenced in the SWP3.

i. The permittee shall amend the SWP3 whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

j. If the SWP3 proves to be ineffective in achieving the general objectives of preventing the release of significant amounts of pollutants to water of the state, then the specific objectives and requirements of the SWP3 shall be subject to modification to incorporate revised SWP3 requirements.

OTHER REQUIREMENTS (continued)

6. Facility Specific SWP3 Conditions: None

N. APPLICABLE TO OUTFALL 004

1. The permittee shall operate a diffusion system for the brine disposal to achieve a maximum rate of diffusion while minimizing the area which may be adversely affected.

2. If the permittee uses an oxygen scavenger, the concentration shall be no greater than 18 ppm K_2SO_3/ppm DO or 10 ppm NH_4HSO_3/ppm DO. The permittee shall maintain a detectable DO level in the pipeline at all times.

3. After leaching operations are completed and during prolonged periods of static operations (i.e. no discharge) a corrosion inhibitor may be used to protect the brine line from corrosion. Permittee will notify the United States Environmental Protection Agency prior to addition of inhibitor, and also prior to discharge of pipeline volume upon termination of static operations. Discharge concentration shall in no case exceed 100 mg/L.

O. PROTECTION OF ENDANGERED SPECIES

Reserved pending completion of Endangered Species Act, Section 7 consultation.

P. REOPENER CLAUSE FOR ENDANGERED SPECIES PROTECTION

This permit may be modified or revoked and reissued based on the results of the Endangered Species Act, Section 7 consultation with the National Marine Fisheries Service.

TABLE 1
SUMMARY SHEET

Mysidopsis bahia ACUTE SURVIVAL TEST RESULTS

PERMITTEE: LOOP LLC
FACILITY SITE: Deepwater Port, Pipeline and Storage Facility
LPDES PERMIT NUMBER: LA0049492
OUTFALL IDENTIFICATION: 015
OUTFALL SAMPLE IS FROM _____ SINGLE _____ MULTIPLE DISCHARGES
BIOMONITORING LABORATORY: _____
DILUTION WATER USED: _____ RECEIVING WATER _____LAB WATER
CRITICAL DILUTION 2.89% DATE TEST INITIATED_____

Are the test results to be considered valid? ____yes ____no
If __X__no (test invalid), what are the reasons for invalidity?

Is this a retest of a previous invalid test? ____ yes____no
Is this a retest of a previous test failure? ____ yes____no

NOEC = ____% effluent
$LC_{50}48$ = ____% effluent

DILUTION SERIES RESULTS
percent survival

TIME OF READING	REP	0%	dilution 31%	dilution 42%	dilution 56%	dilution 74%	dilution 99%
24-HOUR	A						
	B						
	C						
	D						
	E						
48-HOUR	A						
	B						
	C						
	D						
	E						
MEAN							

Is the mean survival at 48 hours significantly less (p=0.05) than the control survival for the low flow or critical dilution?
_____yes _____no

TABLE 2
SUMMARY SHEET

Cyprinodon variegatus/Menidia beryllina ACUTE SURVIVAL TEST RESULTS

PERMITTEE: LOOP LLC
FACILITY SITE: Deepwater Port, Pipeline and Storage Facility
LPDES PERMIT NUMBER: LA0049492
OUTFALL IDENTIFICATION: 015
OUTFALL SAMPLE IS FROM _____ SINGLE _____ MULTIPLE DISCHARGES
BIOMONITORING LABORATORY: _____
DILUTION WATER USED: _____ RECEIVING WATER _____LAB WATER
CRITICAL DILUTION 2.89% DATE TEST INITIATED_____

Are the test results to be considered valid? ____yes ____no
If __X__no (test invalid), what are the reasons for invalidity?

Is this a retest of a previous invalid test? ____ yes____no
Is this a retest of a previous test failure? ____ yes____no

NOEC = ____% effluent
$LC_{50}48$ = ____% effluent

DILUTION SERIES RESULTS
percent survival

TIME OF READING	REP	0%	dilution 1-%	dilution 2-%	dilution 3-%	dilution 4-%	dilution 5-%
24-HOUR	A						
	B						
	C						
	D						
	E						
48-HOUR	A						
	B						
	C						
	D						
	E						
MEAN							

Is the mean survival at 48 hours significantly less (p=0.05) than the control survival for the low flow or critical dilution?
_____yes _____no

PART III
STANDARD CONDITIONS FOR LPDES PERMITS

SECTION A. GENERAL CONDITIONS

1. Introduction
   In accordance with the provisions of LAC 33:IX.2355, et. seq., and 40 CFR Part 122.4, et. seq., this permit incorporates either expressly or by reference ALL conditions and requirements applicable to Louisiana Pollutant Discharge Elimination System Permits (LPDES)/National Pollutant Discharge Elimination System (NPDES) set forth in the Louisiana Environmental Quality Act (LEQA)/Clean Water Act (CWA), as amended (hereafter known as the "Act"), as well as ALL applicable regulations.

2. Duty to Comply
   The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Louisiana Environmental Quality Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

3. Penalties for Violation of Permit Conditions
   a. LA. R. S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R. S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program. (See Section E. Penalties for Violation of Permit Conditions for additional details).

   b. Any person may be assessed an administrative penalty by the State Administrative Authority under LA. R. S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act.

4. Toxic Pollutants
   a. Other effluent limitations and standards under Sections 301, 302, 303, 307, 318, and 405 of the Clean Water Act. If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation on the pollutant in this permit, the state administrative authority shall institute proceedings under these regulations to modify or revoke and reissue the permit to conform to the toxic effluent standard or prohibition.

   b. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under Section 405(d) of the Clean Water Act within the time provided in the regulations that establish these standards or prohibitions, or standards for sewage sludge use or disposal even if the permit has not yet been modified to incorporate the requirement.

5. Duty to Reapply
   If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The new application shall be submitted at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the state administrative authority. (The state administrative authority shall not grant permission for applications to be submitted later than the expiration date of the existing permit.) Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321/40 CFR 122.6 and any subsequent amendments.

6. Permit Action
   This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2383, 2385, 2387, 2407 and 2769/40 CFR 122.62-64. The causes may include, but are not limited to, the following:

   a. Noncompliance by the permittee with any condition of the permit;

b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;

d. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge; or

e. Failure to pay applicable fees under the provisions of LAC 33: IX. Chapter 13.

The filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

7. Property Rights
This permit does not convey any property rights of any sort, or any exclusive privilege.

8. Duty to Provide Information
The permittee shall furnish to the state administrative authority/EPA Director, within a reasonable time, any information which the administrative authority may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the state administrative authority/EPA Director, upon request, copies of records required to be kept by this permit.

9. Criminal and Civil Liability
Except as provided in permit conditions on "Bypassing" and "Upsets", nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance. Any false or materially misleading representation or concealment of information required to be reported by the provisions of the permit, the Act, or applicable regulations, which avoids or effectively defeats the regulatory purpose of the Permit may subject the Permittee to criminal enforcement pursuant to La. R.S. 30:2025/18 U.S.C. Section 1001.

10. Oil and Hazardous Substance Liability
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

11. State Laws
Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.

12. Severability
If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.

13. Dilution
A permittee shall not achieve any effluent concentration by dilution unless specifically authorized in the permit. A permittee shall not increase the use of process water or cooling water or otherwise attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve permit limitations or water quality.

SECTION B. PROPER OPERATION AND MAINTENANCE

1. Need to Halt or Reduce not a Defense
It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or

reduce the permitted activity in order to maintain compliance with the conditions of this permit. The permittee is responsible for maintaining adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failure either by means of alternate power sources, standby generators or retention of inadequately treated effluent.

2. Duty to Mitigate
The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

3. Proper Operation and Maintenance

a. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

b. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

4. Bypass of Treatment Facilities

a. ***Bypass***. the intentional diversion of waste streams from any portion of a treatment facility.

b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Section B.4.c. and 4.d of these standard conditions.

c. Notice

(1) Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Office of Environmental Services, Permits Division, if possible at least ten days before the date of the bypass.

(2) Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in LAC 33:IX.2355.L.6, (24-hour notice)/40 CRF122.41 (l)(6) and Section D.6.e. of these standard conditions.

d. Prohibition of bypass

(1) Bypass is prohibited, and the state administrative authority/EPA Director may take enforcement action against a permittee for bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and,

(c) The permittee submitted notices as required by Section B.4.c of these standard conditions.

(2) The state administrative authority/EPA Director may approve an anticipated bypass after considering its adverse effects, if the state administrative authority/EPA Director determines that it will meet the three conditions listed in Section B.4.d(1) of these standard conditions.

5. Upset Conditions

a. **Upset**. an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Section B.5.c. are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and that the permittee can identify the cause(s) of the upset;

(2) The permitted facility was at the time being properly operated; and

(3) The permittee submitted notice of the upset as required by LAC 33:IX.2355.L.6.b.ii. /40 CFR 122.41 (l) (6) (ii) (B) and Secton D.6.e.(2) of these standard conditions; and

(4) The permittee complied with any remedial measures required by Section B.2 of these standard conditions.

d. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

6. Removed Substances
Solids, sewage sludges, filter backwash, or other pollutants removed in the course of treatment or wastewater control shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the state.

7. Percent Removal
For publicly owned treatment works, the 30-day average percent removal for Biochemical Oxygen Demand and Total Suspended Solids shall not be less than 85 percent in accordance with LAC 33:IX.2645.A.3./40 CFR 133.103 and B.3.

SECTION C. MONITORING AND RECORDS

1. Inspection and Entry
The permittee shall allow the state administrative authority/EPA Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by the law to:

a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of these regulations. However, additional time can be granted if the inspector or the Administrative Authority/EPA Director determines that the circumstances warrant such action.

b. Have access to and copy, at reasonable times, any records that the department/agency or its authorized representative determines are necessary for the enforcement of these regulations. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and

d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substances or parameters at any location.

e. Sample Collection

(1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of these regulations.

(2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section C.1.a. above) and the inspector shall supply the permittee with a duplicate sample.

f. It shall be the responsibility of the permittee to ensure that a facility representative familiar with provision of its wastewater discharge permit, including any other conditions or limitations, be available either by phone or in person at the facility during all hours of operation. The absence of such personnel on-site who are familiar with the permit shall not be grounds for delaying the initiation of an inspection except in situations as described in Section C.1.b. of these standard conditions. The permittee shall be responsible for providing witnesses/escorts during inspections. Inspectors shall abide by all company safety rules and shall be equipped with standard safety equipment (hard hat, safety shoes, safety glasses) normally required by industrial facilities.

g. Upon written request copies of field notes, drawings, etc., taken by department personnel during an inspection shall be provided to the permittee after the final inspection report has been completed.

2. Representative Sampling
Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The state administrative authority shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) will be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2383/40 CFR122.62.

3. Retention of Records
Except for records of monitoring information required by this permit related to the permittee's sewage sludge use and disposal activities, which shall be retained for a period of at least five years (or longer as required by 40 CFR 503), the permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. This period may be extended by request of the state administrative authority/EPA Director at any time.

4. Record Contents
Records of monitoring information shall include:

a. The date, exact place, and time of sampling or measurements;
b. The individual(s) who performed the sampling or measurements;
c. The date(s) analyses were performed;
d. The time(s) analyses were begun;
e. The individual(s) who performed the analyses;
f. The analytical techniques or methods used;
g. The results of such analyses; and
h. The results of all quality control procedures.

5. Monitoring Procedures
a. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use or disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, unless other test procedures have been specified in this permit. This includes procedures contained in the latest EPA approved edition of the following publications:

(1) "Standard Methods for the Examination of Water and Waste Water". This publication is available from the American Public Health Association, Publication Sales, P. O. Box 753, Waldorf, MD 20604-0573, Phone number (301) 893-1894, Fax number (301) 843-0159.

(2) "Annual Book of Standards, Vols 1101-1103, Water I, Water II, and Atmospheric Analysis". This publication is available from the American Society for Testing Materials, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, Phone number (610) 832-9500.

(3) "Methods for Chemical Analysis of Water and Wastes, Revised, March 1983," U.S. Environmental Protection Agency, Analytical Quality Control Laboratory, Cincinnati, Ohio. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-84-128677.

b. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instruments at intervals frequent enough to insure accuracy of measurements and shall maintain appropriate records of such activities.

c. An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results shall be maintained by the permittee or designated commercial laboratory. General sampling protocol shall follow guidelines established in the "Handbook for Sampling and Sample Preservation of Water and Wastewater, 1982" U.S. Environmental

Protection Agency. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-83-124503. General laboratory procedures including glassware cleaning, etc. can be found in the "Handbook for Analytical Quality Control in Water and Wastewater Laboratories, 1979," U.S. Environmental Protection Agency, Environmental Monitoring and Support Laboratory. This publication is available from the Environmental Protection Agency, Phone number (513) 569-7562. Order by EPA publication number EPA-600/4-79-019.

6. Flow Measurements
Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated, and maintained to insure that the accuracy of the measurements are consistent with the accepted capability of that type of device. Devices selected shall be capable of measuring flows with a maximum deviation of less than 10% from true discharge rates throughout the range of expected discharge volumes. Guidance in selection, installation, calibration and operation of acceptable flow measurement devices can be obtained from the following references:

a. "A Guide to Methods and Standards for the Measurement of Water Flow, 1975," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, phone number (800) 553-6847. Order by NTIS publication number COM-75-10683.

b. "Flow Measurement in Open Channels and Closed Conduits, Volumes 1 and 2," U.S. Department of Commerce, National Bureau of Standards. This publication is available from the National Technical Service (NTIS), Springfield, VA. 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-273 535.

c. "NPDES Compliance Flow Measurement Manual," U.S. Environmental Protection Agency, Office of Water Enforcement. This publication is available from the National Technical Information Service (NTIS), Springfield, VA 22161, Phone number (800) 553-6847. Order by NTIS publication number PB-82-131178.

7. Prohibition for Tampering; Penalties
a. LA R.S. 30:2025 provides for punishment of any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit.

b. LA R.S. 30:2076.2 provides for penalties for any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non compliance.

8. Additional Monitoring by the Permittee
If the Permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 (See LAC 33:IX.2531) or, in the case of sludge use and disposal, approved under 40 CFR part 136 (See LAC 33:IX.2531) unless otherwise specified in 40 CFR part 503, or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the state administrative authority.

9. Averaging of Measurements
Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the state administrative authority in the permit.

10. Laboratory Accreditation

a. LAC 33:I.Subpart 3, Chapters 45-59 provide requirements for an accreditation program specifically applicable to commercial laboratories, wherever located, that provide chemical analyses, analytical results, or other test data to the department, by contract or by agreement, and the data is:

(1) Submitted on behalf of any facility, as defined in R.S.30:2004;
(2) Required as part of any permit application;
(3) Required by order of the department;
(4) Required to be included on any monitoring reports submitted to the department;
(5) Required to be submitted by contract;or
(6) Otherwise required by department regulations.

b. The department laboratory accreditation program is designed to ensure the accuracy, precision, and reliability of the data generated, as well as the use of department-approved methodologies in generation of that data. Laboratory data generated by commercial environmental laboratories that are not accredited under these regulations will not be accepted by the department. Retesting of analysis will be required by an accredited commercial laboratory.

Where retesting of effluent is not possible (i.e. data reported on DMRs for prior month's sampling), the data generated will be considered invalid and in violation of the LPDES permit.

c. Regulations on the Environmental Laboratory Accreditation Program and a list of labs that have applied for accreditation, are available on the department website located at:

http://www.deq.state.la.us/laboratory/index.htm.

Questions concerning the program may be directed to (225) 765-0582.

SECTION D. REPORTING REQUIREMENTS

1. Facility Changes
The permittee shall give notice to the state administrative authority as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under LAC 33:IX.2357.A.1/40 CFR 122.42(a)(1).

c. For Municipal Permits. Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to Section 301, or 306 of the CWA if it were directly discharging those pollutants; and any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit. In no case are any new connections, increased flows, or significant changes in influent quality permitted that will cause violation of the effluent limitations specified herein.

2. Anticipated Noncompliance
The permittee shall give advance notice to the state administrative authority of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

3. Transfers
This permit is not transferable to any person except after notice to the state administrative authority. The state administrative authority may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act or the Louisiana Environmental Quality Act. (See LAC 33:IX.2381/40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)

a. Transfers by modification. Except as provided in LAC 33: IX.2381.B/40 CFR 122.61(b), a permit may be

transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under LAC 33:IX.2383.B.2/40 CFR 122.61(b).2), or a minor modification made (under LAC 33:IX.2385/40 CFR 112.63) to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act and the Louisiana Environmental Quality Act.

b. Automatic transfers. As an alternative to transfers under LAC 33:IX.2381.A./40 CFR 122.61 (a), any LPDES permit may be automatically transferred to a new permittee if:

(1) The current permittee notifies the administrative authority at least 30 days in advance of the proposed transfer date in Section D.3.b.(2) below;

(2) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

(3) The state administrative authority/EPA Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this subsection may also be a minor modification under LAC 33:IX.2385/40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Section D.3.b.(2) of these standard conditions.

4. Monitoring Reports
Monitoring results shall be reported at the intervals and in the form specified in Part II.

5. Compliance Schedules
Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.

6. Requirements for Notification

a. Emergency Notification
As required by LAC 33.I.3915, in the event of an unauthorized discharge that does cause an emergency condition, the discharger shall notify the hotline (DPS 24-hour Louisiana Emergency Hazardous Materials Hotline) by telephone at (225) 925-6595 (collect calls accepted 24 hours a day) immediately (a reasonable period of time after taking prompt measures to determine the nature, quantity, and potential off-site impact of a release, considering the exigency of the circumstances), but in no case later than one hour after learning of the discharge. (An emergency condition is any condition which could reasonably be expected to endanger the health and safety of the public, cause significant adverse impact to the land, water, or air environment, or cause severe damage to property.) Notification required by this section will be made regardless of the amount of discharge. Verbal Notification Procedures are listed in Section D.6.c. of these standard conditions.

A written report shall be provided within seven calendar days after the telephone notification. The report shall contain the information listed in Section D.6.d. of these standard conditions and any additional information in LAC 33:I.3925.B.

b. Prompt Notification

As required by LAC 33:I.3917, in the event of an unauthorized discharge which exceeds reportable quantity specified in LAC 33:I.Subchapter E, but does not cause an emergency condition, the discharger shall notify the Office of Environmental Compliance by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance or by telephone within 24 hours after learning of the discharge. Otherwise, verbal notification should be made to the Office of Environmental Compliance at (225) 763-3908 during office hours or (225) 342-1234 after hours, weekends, and holidays.

c. Information for Verbal Notifications. The following guidelines will be utilized as appropriate, based on the

conditions and circumstances surrounding any unauthorized discharge, to provide relevant information regarding the nature of the discharge:

(1) name of person making the notification and telephone number where any return calls from response agencies can be placed;

(2) name and location of facility or site where the unauthorized discharge is imminent or has occurred using common landmarks. In the event of an incident involving transport, include the name and address of transporter and generator;

(3) date and time the incident began and ended, or estimated time of continuation if discharge is continuing;

(4) extent of any injuries and identification of any known personnel hazards which response agencies may face;

(5) common or scientific chemical name, U.S. Department of Transporatation hazard classification, and best estimate of amounts of any and all discharged pollutants;

(6) brief description of the incident sufficient to allow response agencies to formulate level and extent of response activity.

d. Written Notification Procedures. Written reports for any unauthorized discharge that requires verbal notification under Section D.6.a. or 6.b., or that requires written notiification under LAC 33:I.3919. will be submitted by the discharger to the department in accordance with this section within seven calendar days after the telephone notification. Written notification reports will include, but are not limited to, the following information:

(1) name of person, company, or other party who is filing the written report;

(2) time and date of verbal notification, name of person making the notification, and identification of the site or facility, vessel, transport vehicle, or storage area from which the unauthorized discharge occurred;

(3) date(s), time(s), and duration of the unauthorized discharge and, if not corrected, the anticipated time it is expected to continue;

(4) details of the circumstances and events leading to any emergency condition, including incidents of loss of sources of radiation;

(5) common or scientific chemical name, the CAS number, U.S. Department of Transportation hazard classification, and best estimate of amounts of any and all discharge pollutants, including methodology for calculations and estimates;

(6) statement of actual or probable fate or disposition of the pollutant or source of radiation;

(7) remedial actions taken, or to be taken, to stop unauthorized discharges or to recover pollutants or sources of radiation.

Please see LAC 33:I.3925.B for additional written notification procedures.

e. Twenty-four Hour Reporting. The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and; steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The following shall be included as

information which must be reported within 24hours:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see LAC 33:IX.2355.M.3.b.)/40 CFR 122.41 (m)(3)(ii);

(2) Any upset which exceeds any effluent limitation in the permit;

(3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the administrative authority in Part II of the permit to be reported within 24 hours (LAC 33:IX.2361.G)/40 CFR 122.44(g).

7. Other Noncompliance
The permittee shall report all instances of noncompliance not reported under Section D.4., 5., and 6., at the time monitoring reports are submitted. The reports shall contain the information listed in Section D.6.e.

8. Other Information
Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the state administrative authority, it shall promptly submit such facts or information.

9. Discharges of Toxic Substances
In addition to the reporting requirements under Section D.1-8, all existing manufacturing, commercial, mining, and silvicultural dischargers must notify the Office of Environmental Services, Permits Division as soon as they know or have reason to believe:

a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant:

i. listed at Chapter 23, Appendix D, Tables II and III/ 40 CFR 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(1) One hundred micrograms per liter (100 µg/L);
(2) Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micro-grams per liter (500 µg/L) for 2,4 -dinitro-phenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony;
(3) Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC33:IX.2331.G.7/ 40 CFR 122.21(g)(7); or
(4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.F.; or the level established by the by theEPA Director in accordance with 40 CFR 122.44 (f); or

ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant:

i. listed at Chapter 23, Appendix D, Tables II and III /40 CFR 122, Appendix D, Tables II and III (excluding Total Phenols) which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":

(1) Five hundred micrograms per liter (500 µg/L);
(2) One milligram per liter (1 mg/L) for antimony;
(3) Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with LAC 33:IX.2331.G.7; or
(4) The level established by the state administrative authority in accordance with LAC 33:IX.2361.F./40 CFR 122.44 (f); or

ii. which exceeds the reportable quantity levels for pollutants at LAC 33:I. Subchapter E.

10. Signatory Requirements
All applications, reports, or information submitted to the state administrative authority shall be signed and certified.

a. All permit applications shall be signed as follows:

(1) For a corporation - by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:

(a) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or,

(b) The manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding $25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

NOTE: DEQ does not require specific assignments or delegations of authority to responsible corporate officers identified in Section D.10.a.(1)(a). The agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the state administrative authority to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Section D.10.a.(1)(b). rather than to specific individuals.

(2) For a partnership or sole proprietorship - by a general partner or the proprietor, respectively; or

(3) For a municipality, state, federal, or other public agency - by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes:

(a) The chief executive officer of the agency, or

(b) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

b. All reports required by permits and other information requested by the state administrative authority/EPA Director shall be signed by a person described in Section D.10.a., or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described in Section D.10.a. of these standard conditions;
(2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or an individual occupying a named position; and,
(3) The written authorization is submitted to the state administrative authority.

c. Changes to authorization. If an authorization under Section D.10.b. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Section D.10.b. must be submitted to the state administrative authority prior to or together with any reports, information, or applications to be signed by an authorized representative.

d. Certification. Any person signing a document under Section D.10. a. or b. above, shall make the following

certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

11. Availability of Reports

All recorded information (completed permit application forms, fact sheets, draft permits, or any public document) not classified as confidential information under R.S. 30:2030(A) and 30:2074(D) and designated as such in accordance with these regulations (LAC 33:IX.2323/ 40 CFR 122.7 and LAC 33:IX.2763) shall be made available to the public for inspection and copying during normal working hours in accordance with the Public Records Act, R.S. 44:1 et seq.

Claims of confidentiality for the following will be denied:

a. The name and address of any permit applicant or permittee;
b. Permit applications, permits, and effluent data.
c. Information required by LPDES application forms provided by the state administrative authority under LAC 33:IX.2331/40 CFR 122.21 may not be claimed confidential. This includes information submitted on the forms themselves and any attachments used to supply information required by the forms.

SECTION E. PENALTIES FOR VIOLATIONS OF PERMIT CONDITION

1. Criminal

a. Negligent Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $50,000 per day of violation, or imprisonment of not more than two years, or both.

The Act provides that any person who negligently violates permit conditions implementing Section 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or both.

b. Knowing Violations

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than $100,000 per day of violation, or imprisonment of not more than six years, or both.

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or both.

c. Knowing Endangerment

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the secretary under the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES by the secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.

The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 303, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than $250,000, or by imprisonment for not more than 15 years, or both.

d. False Statements

The Louisiana Revised Statutes LA. R. S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than $10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this Subsection, he shall be subject to a fine of not more than $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than $20,000 per day of violation, or imprisonment of not more than 4 years, or by both. (See Section 309.c.4 of the Clean Water Act)

2. Civil Penalties

The Louisiana Revised Statutes LA. R. S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the secretary, an assistant secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than $27,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharge is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

(**PLEASE NOTE**: These LDEQ penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed $27,000 per day for each violation.

SECTION F. DEFINITIONS

All definitions contained in Section 502 of the Clean Water Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified in this permit, additional definitions of words or phrases used in this permit are as follows:

1. "Clean Water Act" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or the Federal Water Pollution Control Act Amendments of 1972) Pub.L.92-500, as amended by Pub.L. 95-217, Pub.L. 95-576, Pub.L. 96-483 and Pub.L. 97-117, 33 U.S.C. 1251 et. seq.).

2. "Accreditation" means the formal recognition by the department of a laboratory's competence wherein specific tests or types of tests can be accurately and successfully performed in compliance with all minimum requirements set forth in the regulations regarding laboratory accreditation.

3. "Director" means the Administrator of the U.S. Environmental Protection Agency, or an authorized representative.

4. "Applicable effluent standards and limitations" means all state and Federal effluent standards and limitations to which a discharge is subject under the Clean Water Act, including, but not limited to, effluent limitations, standards or performance, toxic effluent standards and prohibitions, and pretreatment standards.

5. "Applicable water quality standards" means all water quality standards to which a discharge is subject under the Clean Water Act.

6. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility.

7. "Commercial Laboratory" means any laboratory that performs analyses or tests for third parties for a fee or other compensation, except those commercial laboratories accredited by the Department of Health and Hospitals in accordance with R.S.49:1001 et seq.

8. "Daily Discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in terms of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the sampling day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the sampling day. Daily discharge determination of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily discharge determination of concentration shall be arithmetic average (weighted by flow value) of all samples collected during that sampling day.

9. "Daily Maximum" discharge limitation means the highest allowable "daily discharge" during the calendar month.

10. "Director" means the U.S. Environmental Protection Agency Regional Administrator or an authorized representative.

11. "Environmental Protection Agency" means the U.S. Environmental Protection Agency.

12. "Grab sample" means an individual sample collected in less than 15 minutes.

13. "Industrial user" means a nondomestic discharger, as identified in 40 CFR 403, introducing pollutants to a publicly owned treatment works.

14. "LEQA" means the Louisiana Environmental Quality Act.

15. "Louisiana Pollutant Discharge Elimination System (LPDES)" means those portions of the Louisiana Environmental Quality Act and the Louisiana Water Control Law and all regulations promulgated under their authority which are deemed equivalent to the National Pollutant Discharge Elimination System (NPDES) under the Clean Water Act in accordance with Section 402 of the Clean Water Act and all applicable federal regulations.

16. "Monthly Average" (also known as Daily Average), other than for fecal coliform bacteria, discharge limitations means the highest allowable average of "daily discharge(s)" over a calendar month, calculated as the sum of all "daily discharge(s)" measured during a calendar month divided by the number of "daily discharge(s)" measured during that month. When the permit establishes monthly average concentration effluent limitations or conditions, the monthly average concentration means the arithmetic average (weighted by flow) of all "daily discharge(s)" of concentration determined during the calendar month where C = daily discharge concentration, F = daily flow and n = number of daily samples; monthly average discharge =

$$\frac{C_1F_1 + C_2F_2 + \ldots + C_nF_n}{F_1 + F_2 + \ldots + F_n}$$

The monthly average for fecal coliform bacteria is the geometric mean of the values for all effluent samples collected during a calendar month.

17. "National Pollutant Discharge Elimination System" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

18. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

19. "Sewage sludge" means the solids, residues, and precipitates separated from or created in sewage by the unit processes of a publicly owned treatment works. Sewage as used in this definition means any wastes, including wastes from humans, households, commercial establishments, industries, and storm water runoff, that are discharged to or otherwise enter a publicly owned treatment works.

20. "Treatment works" means any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage and industrial wastes of a liquid nature to implement Section 201 of the Clean Water Act, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works, including intercepting sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances, extension, improvement, remodeling, additions, and alterations thereof.

21. "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

22. For fecal coliform bacteria, a sample consists of one effluent grab portion collected during a 24-hour period at peak loads.

23. The term "MGD" shall mean million gallons per day.

24. The term "mg/L" shall mean milligrams per liter or parts per million (ppm).

25. The term "µg/L" shall mean micrograms per liter or parts per billion (ppb).

26. "Weekly average", other than for fecal coliform bacteria, is the highest allowable arithmetic mean of the daily

discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week. The weekly average for fecal coliform bacteria is the geometric mean of the daily discharges over a calendar week.

27. "12-hour composite sample" consists of 12 effluent portions collected no closer together than one hour and composited according to flow. The daily sampling intervals shall include the highest flow periods.

28. "6-hour composite sample" consists of six effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

29. "3-hour composite sample" consists of three effluent portions collected no closer together than one hour (with the first portion collected no earlier than 10:00 a.m.) and composited according to flow.

30. Sanitary Wastewater Term(s):

    a. "24-hour composite sample" consists of a minimum of 12 effluent portions collected at equal time intervals over the 24-hour period and combined proportional to flow or a sample collected at frequent intervals proportional to flow over the 24-hour period.

Elena

VERIFICATION OF RECEIPT

This notice will attest to the fact that on the 28th day of January, 2003, I personally received (hand-delivered) an original copy of the final LPDES permit (LA0049492) for LOOP LLC from the STATE OF LOUISIANA, DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF ENVIRONMENTAL SERVICES, PERMITS DIVISION.

Received: Neal Burton Neal Burton
(NAME)

Witness: Sonja Loyd Sonja Loyd
(NAME)

Eddie D. Canezaro Eddie D. Canezaro #1308
(NAME)